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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/431,833

11/02/1999

JOSEPH PHILLIP BIGUS

IBM/02B

9272

26517

7590

06/22/2005

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/431,833	Applicant(s) BIGUS ET AL.	
	Examiner Firman Backer	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-63 and 104-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-63 and 104-116 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Arguments

1. In view of the response filed on March 11th, 2005, PROSECUTION IS HEREBY REOPENED. A new action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Amendment

2. An amendment has been file along with the request to reopen prosecution. In the amendment, claims 54, 60 and 61 have been amended, no claim has been canceled, claim has 113-116 have been added. Claims 54-63 and 104-116 are pending in the letter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54-63 and 104-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckerman et al (U.S. Patent No. 5,613,012) in view of Slotznick (U.S. Patent No 5,983,200)

5. As per claims 54, 60, 61, 113 and 114 Heckerman et al teach a method comprising determining at least one attribute related to the unknown party, wherein the unknown party is a party other than a client that has a delegated a least on task to the intelligent agent, comparing the attribute for the unknown party with attributes related to a plurality of known parties, and identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party and a signal bearing media bearing the program (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*). Heckerman et al fail to teach an inventive concept of identifying an unknown party interacting with an intelligent agent. However, Slotznick teaches an inventive concept of identifying an unknown party interacting with an intelligent agent (*see abstract, column 13 line 36-14 line 13, 17 line 35-67*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heckerman et al's inventive concept to include Slotznick inventive concept of identifying an unknown party interacting with an intelligent agent because this would have assisted the human being in applying the functional capabilities of computer systems in order to reducing the amount of interaction between human and system, freeing a human for other concerns and activities that humans are uniquely good at, including decision-making, situation assessment, goal-setting, etc.; and reducing a user's

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requirements for training and knowledge, allowing the human operator to devote more training on domain knowledge and skills and less on computer-system knowledge and skills.

6. As per claims 55 and 108, Heckerman et al teach a method of comparing the plurality of attributes for the unknown party with those of the plurality of known parties (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

7. As per claims 56 and 109, Heckerman et al teach a method of accessing a database including a plurality of records, each record associated with a known party and including the plurality of attributes related thereto (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

8. As per claims 57, 104, 105 and 110, Heckerman et al teach a method of calculates an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and wherein the identifying step identifies the unknown party as the known party with the largest accumulated weighting factor (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

9. As per claims 58, 106 and 111, Heckerman et al teach a method wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a home base location, an agent program name, a

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location or name of a source with which the unknown party communicates, and combinations thereof (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

10. As per claims 59, 107, 112, Heckerman et al teach a method of scanning program code for the unknown party to determine attributes thereof (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

11. As per claims 62 and 63, Heckerman et al teach a program product wherein the signal bearing media is transmission recordable type media (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

12. As per claims 115, Heckerman et al teach a method of controlling the behavior of the intelligent agent includes controlling a negotiation strategy used by the intelligent agent when conducting an electronic interaction with the unknown party (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

13. As per claims 116, Heckerman et al teach a method wherein identifying the unknown party includes identifying the unknown party as being untrustworthy, and wherein controlling the behavior of the intelligent agent includes modifying the behavior of the intelligent agent to account for increased risk posed by the unknown party and continuing to interact with the unknown party using the modified behavior (*see abstract, column 2 line 58- col. 3 line 15, 4 lines 38-62, 7 lines 19-55, 8 line 11-63, 18 line 9-col. 20 line 64*).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

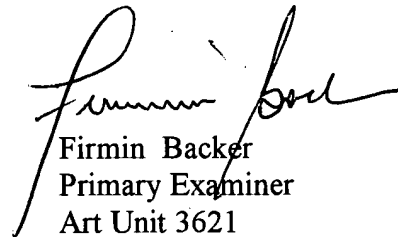
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

May 30, 2005